

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
(at Greenbelt)

IN RE:

Mouri Ferreira * Case No. 18-10882-LSS
Debtor * Chapter 13

* * * * *

Mouri Ferreira *

Movant *

vs. *

LEWANDOWSKI FAMILY, LLC *
2 Kettle Pond Court
Potomac, MD 20854 *

SERVE:

Charles A. Lewandowski, Resident Agent *
2 Kettle Pond Court
Potomac, MD 20854 *

Respondent *

* * * * *

MOTION TO AVOID JUDICIAL LIEN

COMES NOW the debtor, by and through his attorney, Terence Brian Garvey, and respectfully represents as follows:

1. This motion is filed pursuant to 11 U.S.C. Section 522(f) and Rules 4003(d), 7004, and 9014 of the Federal Rules of Bankruptcy Procedure to avoid a judicial lien.
2. On December 17, 2009, a judgment was entered in favor of the LEWANDOWSKI FAMILY, LLC (henceforth “LEWANDOWSKI”), against the debtor in the amount of \$62,160.00 in the Circuit Court for Montgomery County, Maryland, as Case No. 320229V.

3. On January 22, 2018, the debtor filed for relief under Chapter 13 of the United States Bankruptcy Code.

4. The debt and judgment owed to LEWANDOWSKI was listed on Schedule D of the debtor's bankruptcy petition.

5. As of the date of this motion LEWANDOWSKI has not filed a Proof of Claim in this case.

6. The debtor listed as an asset of his Chapter 13 bankruptcy estate a certain parcel of real estate located in Montgomery County, Maryland, and known as 18101 Metz Drive, Germantown, MD 20874. The debtor is the sole owner of this property, and there are no non-filing co-debtors. The property is valued at \$258,223.00 and is subject to secured claims in favor of Select Portfolio Servicing, Inc., in the amount of \$366,591.13, and Specialized Loan Servicing LLC in the amount of \$50,666.78. See attached Exhibits A, B, and C for property value and proof of secured claims.

7. The existence of the LEWANDOWSKI judicial lien impairs a certain exemption claimed by the debtor, designated as: "18101 Metz Drive, Germantown, MD 20874 - \$1,000.00 - Md. Code Ann., Cts & Jud Proc Section 11-504(b)(5)", allowed to the debtor pursuant to 11 U.S.C. Section 522(f) and listed on the debtor's Schedule C.

8. The remaining balance of the LEWANDOWSKI claim is unsecured in that it exceeds the value of the collateral (Townhouse property located at: 18101 Metz Drive, Germantown, MD 20874 - Total Property Value: \$258,223.00), after allowing for the prior liens against this collateral in the amount of \$417,257.91.

9. Based upon the aforementioned, the formula contained in 11 U.S.C. Section 522(f)(2)(A) appears as follows:

Respondent's lien	\$ 62,160.00
Other liens on the property:	
Select Portfolio Servicing, Inc.	366,591.13
Specialized Loan Servicing LLC	50,666.78
Exemption claimed by debtor	+ 1,000.00
	TOTAL
	\$480,417.91
Debtor's interest in the property (value)	- 258,223.00
Extent to which lien impairs exemption	\$222,194.91
Amount of judicial lien	\$ 62,160.00
Extent to which lien impairs exemption	- 222,194.91
Extent to which lien survives	\$ 0.00

NOW THEREFORE, the premises considered, the debtor/movant respectfully requests that this Honorable Court:

1. Avoid and cancel the judicial lien imposed by Case No. 320229V in the Circuit Court for Montgomery County, Maryland, and
2. Grant such other and further relief as may appear just and appropriate.

Respectfully submitted,

/s/ Terence Brian Garvey
TERENCE BRIAN GARVEY, ESQ.
Federal Bar No. 07737
Attorney for Debtor/Movant
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Gaithersburg, MD 20878
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 23rd day of March, 2018, that to the extent the following were not served via the CM/ECF system, true copies of the foregoing Motion were mailed, postage prepaid, to the names and addresses set forth below:

LEWANDOWSKI FAMILY, LLC
Charles A. Lewandowski, Resident Agent
2 Kettle Pond Court
Potomac, MD 20854

Office of the U.S. Trustee
6305 Ivy Lane, Suite 600
Greenbelt, MD 20770

Timothy P. Branigan, Chapter 13 Trustee
9891 Broken Lane Parkway, Suite 301
Columbia, MD 21046

/s/ Terence Brian Garvey
TERENCE BRIAN GARVEY, ESQ.